



# Journal of the House

State of Indiana

113th General Assembly

Second Regular Session

Eighteenth Meeting Day

Thursday Morning

February 5, 2004

The House convened at 9:00 a.m. with the Speaker in the Chair.

The invocation was offered by Pastor Michael Johnson, Landmark Baptist Church, Morgantown, the guest of Representative Eric A. Koch.

The Pledge of Allegiance to the Flag was led by Representative Koch.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski ...
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Messer
Buck	Moses
Budak	Murphy
Buell	Neese
Burton	Noe
Cheney	Orentlicher
Cherry	Oxley
Chowning	Pelath
Cochran	Pflum ...
Crawford	Pierce
Crooks	Pond
Day	Porter
Denbo	Reske
Dickinson	Richardson
Dobis	Ripley
Duncan	Robertson
Dvorak	Ruppel
Espich	Saunders
Foley	Scholer
Frenz	V. Smith
Friend	Stevenson
Frizzell	Stilwell
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer ...
Heim	Van Haaften
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 106: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused.]

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Joint Resolution 5 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

**ESB 24** — Pelath, Becker (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**ESB 111** — Welch, Leonard, Lehe (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**ESB 113** — Hasler, Leonard (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**ESB 132** — V. Smith, J. Lutz (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**ESB 155** — Mays, Hinkle (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 210** — Crawford, Espich (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 220** — Kuzman, Pond, Dvorak, Borror (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**ESB 261** — Porter, Hoffman (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**ESB 266** — Welch, Becker (Public Health)

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning health.

**ESB 271** — Klinker, Alderman, L. Lawson (Human Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 272** — Welch, Crooks, McClain (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 278** — Klinker, Koch (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 286** — Klinker, Hasler, Wolkins, Thomas (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 296** — Welch, Becker (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 300** — Dvorak, Koch (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**ESB 307** — Lytle, Summers, Whetstone (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**ESB 316** — Robertson, Lytle (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**ESB 326** — Pierce, Scholer (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

**ESB 327** — Crawford, Buell (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

**ESB 342** — Reske, Hinkle (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**ESB 352** — Stevenson (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**ESB 359** — C. Brown, Becker (Public Health)

A BILL FOR AN ACT concerning health.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 11:25 a.m. with the Speaker in the Chair.

**RESOLUTIONS ON FIRST READING****House Concurrent Resolution 14**

Representative V. Smith introduced House Concurrent Resolution 14:

A CONCURRENT RESOLUTION urging all school corporations to develop a Parents as Teachers (PAT) program.

*Whereas, Parents are their children's first and most influential teachers;*

*Whereas, Research has shown that greater parental involvement in children's learning is vital in the development of academic skills, including reading and writing;*

*Whereas, Early childhood professionals suggest that a program to help parents understand their role in the development of their children starting at birth could help prepare children for success in school and in life;*

*Whereas, Parents as Teachers (PAT) is an early childhood parent education and support program designed to give parents this needed information and encouragement from pregnancy until their children enter kindergarten;*

*Whereas, Early intervention by parents can help detect any developmental problems their children may be experiencing and help develop a strong partnership between parents and schools;*

*Whereas, Parents as Teachers families come from all socio-economic levels and all types of communities-rural, urban, and suburban;*

*Whereas, Parents as Teachers has received many awards in recognition of its outstanding work, among them the Ford Foundation and Harvard University John F. Kennedy School of*

*Government "Innovation in State and Local Government Award" (1987), the Lela Rowland Award for outstanding achievement and promise in prevention programming by the National Mental Health Association (1995), and the New York Festival's Award for the video component of the Born to Learn Curriculum for excellence in international communications media (1998); and*

*Whereas, It is the responsibility of all parents to give their children a strong foundation on which to build a successful life; Parents as Teachers can help parents succeed: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to urge all school corporations in Indiana to develop a Parents as Teachers program to help parents provide the encouragement and support their children need during the crucial early years of their children's lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indiana Superintendent of Public Instruction.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Rogers.

**House Concurrent Resolution 15**

Representatives Summers and Mays introduced House Concurrent Resolution 15:

A CONCURRENT RESOLUTION recognizing Alpha Kappa Alpha Sorority, Inc.

*Whereas, Alpha Kappa Alpha, Inc., America's first Greek-letter organization established for and by Black women, is a 170,000 member service organization with 950 chapters throughout the United States, the Caribbean, Germany, Korea, West Africa, England, and Japan;*

*Whereas, Alpha Kappa Alpha Sorority, Inc., was founded on the campus of Howard University in Washington, D.C., in 1908;*

*Whereas, Ethel Hedgemen Lyle originated the idea of creating a sorority to help enrich the social and intellectual aspects of college life;*

*Whereas, Alpha Mu Omega, the local graduate chapter chartered on February 16, 1929, has always fostered education and scholarship in the Indianapolis community;*

*Whereas, The Alpha Mu Omega scholarship fund was dedicated on November 16, 1979, and has awarded over \$200,000 in scholarships since its beginning;*

*Whereas, Alpha Mu Omega will celebrate its 75th year of service to the Indianapolis area;*

*Whereas, Alpha Mu Omega supports the national programs of Alpha Kappa Alpha in areas regarding education, the Black family, health, the arts, and economics; and*

*Whereas, Alpha Kappa Alpha and Alpha Mu Omega are dedicated to the service of all mankind and have improved the lives of many people throughout the years: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to thank the members of Alpha Kappa Alpha Sorority, Inc., for their many hours of service to the nation and congratulate Alpha Mu Omega on the occasion of its 75th year of service to Indiana and its residents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the officers of the Alpha Kappa Alpha Sorority, Inc., and the officers of Alpha Mu Omega.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Breau.

**House Resolution 16**

Representative Kuzman introduced House Resolution 16:

A HOUSE RESOLUTION congratulating Tom May.

*Whereas, With the victory over Lake Central High School, Tom May, the girls basketball coach at Crown Point High School, became the eighth girls coach in Indiana history to win 400 games;*

*Whereas, Coach May has been involved with basketball his entire life, beginning as a point guard for Cannelton High School, where his coach encouraged him to go to college and perhaps become a coach;*

*Whereas, After graduating from Indiana State University, Coach May scheduled an interview for a teaching position at Griffith High School, but the school superintendent got ill and the interview was canceled;*

*Whereas, Coach May made a couple of calls and got an interview at Crown Point High School and was hired, along with his wife, Nancy, in 1970;*

*Whereas, He coached football, track, softball and basketball, but his heart was with the boys basketball team;*

*Whereas, His dream of becoming a top-notch boys basketball coach began to come true when he became the junior varsity head coach;*

*Whereas, In the 1978-79 season, his all-sophomore team had a record of 20-0;*

*Whereas, When varsity head coach Bob Bender resigned, Coach May expected to be given the job;*

*Whereas, Fate, however, had a different plan for Coach May;*

*Whereas, When he was not selected as the boys basketball head coach, Coach May wanted to resign, but the girls basketball coach was leaving and someone qualified was needed to take over the program;*

*Whereas, Coach May agreed to take the position for one year; the rest, of course, is history;*

*Whereas, Coach May's record speaks for itself: In his first season, Crown Point had a record of 16-3; two years later, the Bulldogs went to the state finals; in February 1984 and 1985, Crown Point won the state championship; and he coached six Indiana All-Stars, two All-Americans, and an Indiana High School Athletic Association Mental Attitude Award winner; and*

*Whereas, Tom May is a legend in Indiana basketball; he is tough and very competitive, but he cares about the players and wants them to succeed: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Tom May on his 400th career victory and wishes him many more wins in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Tom May, his wife, Nancy, and his children, Jeff and Jenny.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

**ENGROSSED HOUSE BILLS ON THIRD READING****Engrossed House Bill 1446**

Representative Bauer called down Engrossed House Bill 1446 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Reske was excused from voting.

Roll Call 108: yeas 65, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Borst and Broden.

**Engrossed House Bill 1438**

Representative Klinker called down Engrossed House Bill 1438 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 109: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Alting, Skillman, Hershman, and Rogers.

The Speaker Pro Tempore yielded the gavel to the Deputy Speaker Pro Tempore, Representative Harris.

**Engrossed House Bill 1437**

Representative Crawford called down Engrossed House Bill 1437 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 110: yeas 80, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks, Howard, and Lanane.

**Engrossed House Bill 1435**

Representative Behning called down Engrossed House Bill 1435 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 111: yeas 90, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

**Engrossed House Bill 1425**

Representative Thomas called down Engrossed House Bill 1425 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 112: yeas 64, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Skillman.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

**Engrossed House Bill 1401**

Representative Kuzman called down Engrossed House Bill 1401 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Welch was excused from voting.

Roll Call 113: yeas 61, nays 34. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison and Rogers.

#### **Engrossed House Bill 1039**

Representative Cochran called down Engrossed House Bill 1039 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representatives T. Adams and Herrell were excused from voting.

Roll Call 114: yeas 85, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Sipes, Simpson, and Harrison.

#### **Engrossed House Bill 1360**

Representative Richardson called down Engrossed House Bill 1360 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 115: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Breaux.

#### **Engrossed House Bill 1359**

Representative Van Haaften called down Engrossed House Bill 1359 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 116: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Jackman.

#### **Engrossed House Bill 1320**

Representative Hasler called down Engrossed House Bill 1320 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Turner was excused from voting.

Roll Call 117: yeas 90, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Simpson.

The House recessed until the fall of the gavel.

## **RECESS**

The House reconvened at 1:30 p.m. with the Speaker in the Chair.

## **ENGROSSED HOUSE BILLS ON THIRD READING**

### **Engrossed House Bill 1350**

Representative Aguilera called down Engrossed House Bill 1350 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 118: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Simpson, and Breaux.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

### **Engrossed House Bill 1344**

Representative Welch called down Engrossed House Bill 1344 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 119: yeas 76, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and Lanane.

### **Engrossed House Bill 1308**

Representative Porter called down Engrossed House Bill 1308 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 120: yeas 83, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Rogers, Kenley, Dillon, and Sipes.

### **Engrossed House Bill 1009**

Representative Cheney called down Engrossed House Bill 1009 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 121: yeas 78, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley, Waterman, Sipes, and Hume.

### **Engrossed House Bill 1334**

Representative L. Lawson called down Engrossed House Bill 1334 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 122: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Meeks and R. Meeks.

### **Engrossed House Bill 1270**

Representative Liggett called down Engrossed House Bill 1270 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage.

#### **HOUSE MOTION (Amendment 1270-4)**

Mr. Speaker: I move that Engrossed House Bill 1270 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 6, line 38, after "due" insert "**and immediately payable on or before the date the notice of intention to hold a lien is filed or recorded to or on behalf of**".

(Reference is to HB 1270 as printed January 30, 2004.)

LIGGETT

#### **HOUSE MOTION**

Mr. Speaker: I move that Engrossed House Bill 1270 be made a special order of business for Thursday, February 5, 2004, at 3:00 p.m.

TORR

Motion prevailed.

### **Engrossed House Bill 1304**

Representative Stevenson called down Engrossed House Bill 1304 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 123: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker, Merritt, and Mrvan.

### **Engrossed House Bill 1306**

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1306, Representative Kromkowski, granted consent to the coauthor, Representative Herrell, to call the bill down for third reading. Representative Herrell called down Engrossed House Bill 1306 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representatives Bardon, Duncan, Hoffman, Klinker, and V. Smith were excused from voting.

Roll Call 124: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and Hume.

### **Engrossed House Bill 1301**

Representative Bottorff called down Engrossed House Bill 1301 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 125: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Lewis, and Clark.

### **Engrossed House Bill 1096**

Representative Pierce called down Engrossed House Bill 1096 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? On the motion of Representative GiaQuinta the previous question was called. Representatives T. Adams, Bischoff, Bottorff, Burton, Espich, Liggett, Moses, V. Smith, and Whetstone were excused from voting.

Roll Call 126: yeas 45, nays 42. The bill failed for lack of a constitutional majority.

### **Engrossed House Bill 1285**

Representative Goodin called down Engrossed House Bill 1285 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative V. Smith was excused from voting.

Roll Call 127: yeas 89, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison and Lewis.

### **Engrossed House Bill 1278**

Representative Whetstone called down Engrossed House Bill 1278 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 128: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Broden.

### **Engrossed House Bill 1273**

Representative Fry called down Engrossed House Bill 1273 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 129: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Lanane.

### **Engrossed House Bill 1268**

Representative Orentlicher called down Engrossed House Bill 1268 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 130: yeas 93, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Simpson, and Lanane.

### Engrossed House Bill 1266

Representative Ayres called down Engrossed House Bill 1266 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 131: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Riegsecker.

### Engrossed House Bill 1265

Representative Kersey called down Engrossed House Bill 1265 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 1265-2)

Mr. Speaker: I move that Engrossed House Bill 1265 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 2, line 27, delete "bulk" and insert "**aggregate**".

Page 2, line 29, delete "IC 16-47-1." and insert "**IC 16-47-1, as approved by the budget agency.**".

Page 3, line 33, delete "BULK" and insert "**AGGREGATE**".

Page 3, line 35, delete "Bulk" and insert "**Aggregate**".

Page 4, line 8, delete "bulk" and insert "**aggregate**".

Page 4, line 11, delete "department" and insert "**department, with the approval of the budget agency,**".

Page 4, line 12, delete "a bulk" and insert "**an aggregate**".

Page 4, between lines 21 and 22, begin a new paragraph and insert: "**(c) The terms and conditions of the program are subject to the approval of the budget agency.**".

Page 5, line 4, delete "obtained from a country other than" and insert "**imported into**".

Page 5, line 5, delete "States." and insert "**States in violation of federal law.**".

Page 5, line 22, delete "Bulk" and insert "**Aggregate**".

Page 5, line 24, delete "state" and insert "**state, with the approval of the governor,**".

Page 5, line 25, delete "bulk" and insert "**aggregate**".

Page 5, line 26, delete "bulk" and insert "**aggregate**".

Page 5, line 31, delete "(a)".

Page 5, line 32, delete "obtained from a country" and insert "**imported into the United States in violation of federal law.**".

Page 5, delete line 33, begin a new paragraph and insert:

"**Sec. 4. (a) Participation in the program described in this chapter by a pharmaceutical manufacturer is voluntary.**".

Page 5, line 41, delete "4." and insert "**5.**".

Page 6, line 20, delete "bulk" and insert "**aggregate**".

(Reference is to HB 1265 as reprinted February 3, 2004.)

KERSEY

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1265, begs leave to report that said bill has

been amended as directed.

KERSEY

Report adopted.

The question then was, Shall the bill pass?

Roll Call 132: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Simpson.

### SPECIAL ORDER OF BUSINESS

#### Engrossed House Bill 1270

The Speaker handed down for third reading Engrossed House Bill 1270, authored by Representative Liggett, which had been made a special order of business:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was reread a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 1270-4)

Mr. Speaker: I move that Engrossed House Bill 1270 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 6, line 38, after "due" insert "**and immediately payable on or before the date the notice of intention to hold a lien is filed or recorded to or on behalf of**".

(Reference is to HB 1270 as printed January 30, 2004.)

LIGGETT

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1270, begs leave to report that said bill has been amended as directed.

LIGGETT

Report adopted.

The question then was, Shall the bill pass?

Roll Call 133: yeas 52, nays 44. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator R. Young.

The Speaker Pro Tempore yielded the gavel to the Deputy Speaker Pro Tempore, Representative Harris.

#### Engrossed House Bill 1254

Representative Robertson called down Engrossed House Bill 1254 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 134: yeas 56, nays 39. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and R. Young.

#### Engrossed House Bill 1251

Representative Becker called down Engrossed House Bill 1251 for third reading:

A BILL FOR AN ACT concerning prescription drugs.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 135: yeas 80, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server, C. Lawson, and Simpson.

#### **Engrossed House Bill 1241**

Representative Cherry called down Engrossed House Bill 1241 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 136: yeas 89, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman and Lewis.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

#### **Engrossed House Bill 1244**

Representative Mangus called down Engrossed House Bill 1244 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 137: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman and Lewis.

#### **Engrossed House Bill 1232**

Representative V. Smith called down Engrossed House Bill 1232 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 138: yeas 54, nays 43. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Server, and Rogers.

#### **Engrossed House Bill 1309**

Representative Liggett called down Engrossed House Bill 1309 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage.

#### **HOUSE MOTION (Amendment 1309-2)**

Mr. Speaker: I move that Engrossed House Bill 1309 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 6, line 8, delete "If" and insert "**Before January 1, 2005, if**".  
Page 6, line 12, after "wage." insert "**After December 31, 2004, if the treatment or travel to or from the place of treatment causes a loss of working time to the employee:**

**(1) the employer's insurance carrier or other entity insuring**

**or providing coverage to the employer that is required under IC 22-3-5-1; or**

**(2) the employer, if the employer is carrying the employer's own risk under IC 22-3-5-1; shall reimburse the employee for the loss of wages using the basis of the employee's average daily wage."**

Page 60, line 27, delete "If" and insert "**Before January 1, 2005, if**".

Page 60, line 30, after "wage." insert "**After December 31, 2004, if the treatment or travel to or from the place of treatment causes a loss of working time to the employee:**

**(1) the employer's insurance carrier or other entity insuring or providing coverage to the employer that is required under IC 22-3-5-1; or**

**(2) the employer, if the employer is carrying the employer's own risk under IC 22-3-5-1;**

**shall reimburse the employee for the loss of wages using the basis of the employee's average daily wage."**

(Reference is to HB1309 as printed January 30, 2004.)

LIGGETT

#### **HOUSE MOTION**

Mr. Speaker: I move that Engrossed House Bill 1309 be made a special order of business for Thursday, February 5, 2004, at 4:30 p.m.

ESPICH

Motion prevailed.

#### **Engrossed House Bill 1218**

Representative Summers called down Engrossed House Bill 1218 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 139: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Breaux.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Harris.

#### **Engrossed House Bill 1103**

Representative Dvorak called down Engrossed House Bill 1103 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 140: yeas 74, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zakas and Broden.

#### **Engrossed House Bill 1204**

Representative Lytle called down Engrossed House Bill 1204 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 141: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and Lewis.

**Engrossed House Bill 1203**

Representative Frenz called down Engrossed House Bill 1203 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 142: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax and Lewis.

**SPECIAL ORDER OF BUSINESS****Engrossed House Bill 1309**

The Speaker handed down for third reading Engrossed House Bill 1309, authored by Representative Liggett, which had been made a special order of business:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was reread a third time by sections and placed upon its passage.

HOUSE MOTION  
(Amendment 1309-2)

Mr. Speaker: I move that Engrossed House Bill 1309 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 6, line 8, delete "If" and insert **"Before January 1, 2005, if"**.

Page 6, line 12, after "wage." insert **"After December 31, 2004, if the treatment or travel to or from the place of treatment causes a loss of working time to the employee:**

**(1) the employer's insurance carrier or other entity insuring or providing coverage to the employer that is required under IC 22-3-5-1; or**

**(2) the employer, if the employer is carrying the employer's own risk under IC 22-3-5-1;**

**shall reimburse the employee for the loss of wages using the basis of the employee's average daily wage."**

Page 60, line 27, delete "If" and insert **"Before January 1, 2005, if"**.

Page 60, line 30, after "wage." insert **"After December 31, 2004, if the treatment or travel to or from the place of treatment causes a loss of working time to the employee:**

**(1) the employer's insurance carrier or other entity insuring or providing coverage to the employer that is required under IC 22-3-5-1; or**

**(2) the employer, if the employer is carrying the employer's own risk under IC 22-3-5-1;**

**shall reimburse the employee for the loss of wages using the basis of the employee's average daily wage."**

(Reference is to HB1309 as printed January 30, 2004.)

LIGGETT

On the motion of Representative Fry the previous question was called. The Chair ordered the roll of the House to be called. Roll Call 143: yeas 50, nays 45. There not being a two-thirds vote in favor of the motion, the motion failed.

The question then was, Shall the bill pass?

Roll Call 144: yeas 51, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Craycraft.

**Engrossed House Bill 1028**

Representative Dickinson called down Engrossed House Bill 1028 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state officers and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 145: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Craycraft.

**Engrossed House Bill 1178**

Representative Avery called down Engrossed House Bill 1178 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 146: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Long, Broden, and Rogers.

**Engrossed House Bill 1154**

Representative Leonard called down Engrossed House Bill 1154 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 147: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Dillon.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

**Engrossed House Bill 1151**

Representative Mahern called down Engrossed House Bill 1151 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 148: yeas 85, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Breau.

**Engrossed House Bill 1147**

Representative Crooks called down Engrossed House Bill 1147 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Wolkins was excused from voting.

Roll Call 149: yeas 84, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zakas and Skinner.

**Engrossed House Bill 1133**

Representative Budak called down Engrossed House Bill 1133 for third reading:



A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 150: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and Breaux.

### Engrossed House Bill 1080

Representative Mays called down Engrossed House Bill 1080 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 151: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax and Breaux.

### Engrossed House Bill 1072

Representative Bischoff called down Engrossed House Bill 1072 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 152: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Simpson.

### Engrossed House Bill 1068

Representative D. Young called down Engrossed House Bill 1068 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 153: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Harrison.

### Engrossed House Bill 1229

Representative Bardon called down Engrossed House Bill 1229 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit and to make an appropriation.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 1229-10)

Mr. Speaker: I move that Engrossed House Bill 1229 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 14, line 14, after "8." insert "(a)".

Page 14, line 16, delete "exceed six percent (6%) of the" and insert "exceed:

**(A) five percent (5%) of the loan principal for a home loan having a loan principal of at least forty thousand dollars (\$40,000); or**

**(B) six percent (6%) of the loan principal for a home loan having a loan principal of less than forty thousand dollars (\$40,000).**

**(b) Beginning July 1, 2006, the dollar amounts set forth in this section are subject to change at the times and according to the procedure set forth in the provisions of IC 24-4.5-1-106 concerning the adjustment of dollar amounts in IC 24-4.5 regarding consumer credit transactions. The department of financial institutions shall adopt rules under IC 4-22-2 to establish procedures to implement this subsection, and shall issue an emergency rule announcing a change required under this subsection by April 30 of each year in which dollar amounts are to change."**

Page 14, delete line 17.

Page 14, line 27, delete "points and fees (as defined in 12 CFR 226.32(b)(1) on" and insert "the total of the following:

**(1) Points and fees (as defined in 12 CFR 226.32(b)(1) on January 1, 2004).**

**(2) All compensation paid directly or indirectly to a mortgage broker, including a broker that originates a loan in the broker's own name."**

Page 14, line 28, beginning with "As" begin a new line blocked left.

Page 14, line 28, delete "this subdivision," and insert "subdivision (2)".

Page 14, delete lines 32 through 34, begin a new line block indented and insert:

**"(2) An amount not to exceed one and one-half (1 ½) points in indirect broker compensation; if the terms of the loan do not include a prepayment penalty that exceeds two percent (2%) of the home loan principle.**

**(3) Reasonable fees paid to an affiliate of the creditor.**

**(4) Interest prepaid by the borrower for the month in which the home loan is closed."**

Page 23, delete line 38.

Page 23, line 39, delete "(4)" and insert "(3)".

(Reference is to HB 1229 as reprinted February 5, 2004.)

BARDON

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1229, begs leave to report that said bill has been amended as directed.

BARDON

Report adopted.

The question then was, Shall the bill pass?

Roll Call 154: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lanane.

### Engrossed House Bill 1050

Representative Hinkle called down Engrossed House Bill 1050 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 155: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Clark.

### Engrossed House Bill 1046

Representative Herrell called down Engrossed House Bill 1046 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 156: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Craycraft and Bray.

#### **Engrossed House Bill 1042**

Representative Buell called down Engrossed House Bill 1042 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 157: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark and Lanane.

#### **Engrossed House Bill 1031**

Representative Pond called down Engrossed House Bill 1031 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 158: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax, Lewis, and C. Meeks.

#### **Engrossed House Bill 1024**

Representative Heim called down Engrossed House Bill 1024 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 159: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Kenley, Weatherwax, and Dembowski.

#### **Engrossed House Bill 1022**

Representative Day called down Engrossed House Bill 1022 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 160: yeas 55, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server, Rogers, and Bowser.

#### **Engrossed House Bill 1018**

Representative Grubb called down Engrossed House Bill 1018 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 161: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison, Breaux, and Dillon.

#### **Engrossed House Bill 1017**

Representative Grubb called down Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 162: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard, Lanane, and Harrison.

#### **Engrossed House Bill 1249**

Representative Cheney called down Engrossed House Bill 1249 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 163: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Bowser.

#### **Engrossed House Bill 1056**

Representative Mays called down Engrossed House Bill 1056 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 164: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark and Simpson.

#### **Engrossed House Bill 1197**

Representative Dickinson called down Engrossed House Bill 1197 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 165: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Broden.

The Speaker Pro Tempore yielded the gavel to the Speaker.

#### **Engrossed House Bill 1071**

Representative Bischoff called down Engrossed House Bill 1071 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 166: yeas 76, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server, Simpson, Landske, Alting, and Breaux.

### Engrossed House Bill 1083

Representative Mahern called down Engrossed House Bill 1083 for third reading:

A BILL FOR AN ACT concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 167: yeas 88, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Borst and Breaux.

### Engrossed House Bill 1365

Representative Cochran called down Engrossed House Bill 1365 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 1365-17)

Mr. Speaker: I move that Engrossed House Bill 1365 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 34, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 31. IC 9-29-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The registration fee for each semitrailer to be used with a tractor licensed under this section is as follows:

(1) Thirty dollars (\$30) for a one (1) year registration.

(2) Sixty dollars (\$60) for a five (5) year registration. However, the five (5) year registration fee shall be reduced by twelve dollars (\$12) for each full year after the initial year of the five (5) year period provided in IC 9-18. However, the reduced fee may not be less than the registration fee for a one (1) year registration.

(3) For a permanent registration, the fee is as follows:

~~(A) sixty-five dollars (\$65). at the time the semitrailer is first registered.~~

~~(B) Two dollars (\$2) annually to renew the registration."~~

Page 34, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 35. IC 9-18-9-4 IS REPEALED [EFFECTIVE JULY 1, 2004]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1365 as reprinted February 5, 2004.)

COCHRAN

#### HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1365 be made a special order of business for Thursday, February 5, 2004, at 7:30 p.m.

ESPICH

Motion prevailed.

### RESOLUTIONS ON FIRST READING

#### Senate Concurrent Resolution 6

The Speaker handed down Senate Concurrent Resolution 6, sponsored by Representative Stilwell:

A CONCURRENT RESOLUTION recognizing the Tecumseh High School Braves baseball team for winning the 2003 Class A Indiana State Championship title.

*Whereas, The Tecumseh Braves baseball team began the season struggling to find a solidified team;*

*Whereas, The Braves had lost the State semifinal and the State championship games in the past two years;*

*Whereas, The Braves baseball team truly solidified late in the 2003 season after rebounding from a large deficit to win their first sectional game of 2003;*

*Whereas, Every member of the Braves baseball team greatly contributed to winning the next five games on their way to the 2003 Class A State Championship;*

*Whereas, On Saturday, June 21, 2003, with great determination and effort, the Tecumseh Braves baseball team won the Indiana State Class A Baseball Championship: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the Tecumseh High School Braves baseball team for winning the 2003 Indiana State Class A High School Baseball Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Tecumseh High School Principal Mike Whitten, Coach Kahle, Coach Lochmueller, Coach Duncan, Trainer Leann Robinson and to each member of the Tecumseh Braves baseball team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

#### Senate Concurrent Resolution 18

The Speaker handed down Senate Concurrent Resolution 18, sponsored by Representative Dickinson:

A CONCURRENT RESOLUTION honoring Indianapolis Public School Francis Scott Key School 103.

*Whereas, The Francis Scott Key School 103 was recently showcased during the 2003 National Governors' Association Annual meeting held in Indianapolis and hosted by the late Governor Frank O'Bannon;*

*Whereas, The Francis Scott Key School has surpassed statewide ISTEP averages in recent years;*

*Whereas, The Francis Scott Key School has doubled the number of its students passing the ISTEP in recent years as a result of focused, hard work involving small group instruction, parental involvement and high expectations;*

*Whereas, The Francis Scott Key School has focused on improving its students' reading skills;*

*Whereas, The Francis Scott Key School has begun with phonics education at the kindergarten level and stresses phonics at each grade level;*

*Whereas, The teachers at the Francis Scott Key School maintain regular contact with parents through newsletters and reports on students' progress; and*

*Whereas, The teachers at the Francis Scott Key School continue to train in educational innovations and computer technology: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly wishes to congratulate the Francis Scott Key School faculty, students, and parents.

SECTION 2. That the Secretary of the Senate is directed to transmit copies of the resolution to Superintendent Dr. Duncan N.P. Pritchett, Jr. and Principal Toni Trice.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

**Senate Concurrent Resolution 19**

The Speaker handed down Senate Concurrent Resolution 19, sponsored by Representatives Day and Porter:

A CONCURRENT RESOLUTION honoring Indianapolis Public School Charity Dye School 27 for recognition by the United States Department of Education as a Blue Ribbon School.

*Whereas, The United States Department of Education has named Charity Dye School a Blue Ribbon School in recognition of its academic improvement on the ISTEP+ test, as well as teacher and student attendance;*

*Whereas, The Charity Dye School 27 had a fall 2002 ISTEP+ passage rate of 83.3%, 13 points above the state average;*

*Whereas, Ms. Doris Thompson has served as principal of Charity Dye School 27 and continued to encourage student achievement;*

*Whereas, The faculty at Charity Dye School 27 have continued to set high standards for themselves and their students;*

*Whereas, The Charity Dye School 27 encourages the success of its students through inviting honor roll students, as well as students with perfect attendance and excellent citizenship to celebrations throughout the school year; and*

*Whereas, The Charity Dye School 27 has drawn parents into the process through a variety of activities, including "Make It and Take It" workshops which help them learn how to create low-cost educational activities that can be done by the whole family: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly wishes to congratulate the Charity Dye School 27 on being named by the United States Department of Education as a Blue Ribbon School.

SECTION 2. That the Secretary of the Senate is directed to transmit copies of this resolution to Superintendent Dr. Duncan N.P. Pritchett, Jr. and Principal Doris Thompson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 7:30 p.m. with the Speaker in the Chair.

**SPECIAL ORDER OF BUSINESS****Engrossed House Bill 1365**

The Speaker handed down for third reading Engrossed House Bill 1365, authored by Representative Cochran, which had been made a special order of business.

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was reread a third time by sections and placed upon its passage.

**HOUSE MOTION**  
(Amendment 1365-17)

Mr. Speaker: I move that Engrossed House Bill 1365 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 34, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 31. IC 9-29-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The registration fee for each semitrailer to be used with a tractor licensed under this section is as follows:

(1) Thirty dollars (\$30) for a one (1) year registration.

(2) Sixty dollars (\$60) for a five (5) year registration. However, the five (5) year registration fee shall be reduced by twelve dollars (\$12) for each full year after the initial year of the five (5) year period provided in IC 9-18. However, the reduced fee may not be less than the registration fee for a one (1) year registration.

(3) For a permanent registration, the fee is as follows:

~~(A) sixty-five dollars (\$65). at the time the semitrailer is first registered.~~

~~(B) Two dollars (\$2) annually to renew the registration."~~

Page 34, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 35. IC 9-18-9-4 IS REPEALED [EFFECTIVE JULY 1, 2004]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1365 as reprinted February 5, 2004.)

COCHRAN

There being a two-thirds vote in favor of the motion, the motion prevailed.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1365, begs leave to report that said bill has been amended as directed.

COCHRAN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 168: yeas 75, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Borst and Simpson.

**Engrossed House Bill 1098**

Representative Welch called down Engrossed House Bill 1098 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 169: yeas 75, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Sipes.

**Engrossed House Bill 1114**

Representative Frenz called down Engrossed House Bill 1114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 170: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and L. Lutz.

**Engrossed House Bill 1132**

Representative Budak called down Engrossed House Bill 1132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 171: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Antich-Carr.

#### **Engrossed House Bill 1194**

Representative Avery called down Engrossed House Bill 1194 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 172: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long, Broden, Lanane, Server, Breaux, and Howard.

#### **Engrossed House Bill 1157**

Representative Fry called down Engrossed House Bill 1157 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 173: yeas 75, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Lanane.

#### **Engrossed House Bill 1325**

Representative Hasler called down Engrossed House Bill 1325 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 174: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford and Simpson.

#### **Engrossed House Bill 1163**

Representative Summers called down Engrossed House Bill 1163 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 175: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

#### **Engrossed House Bill 1300**

Representative Bottorff called down Engrossed House Bill 1300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 176: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long, Broden, and Sipes.

#### **Engrossed House Bill 1202**

Representative L. Lawson called down Engrossed House Bill 1202 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 177: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Wyss.

#### **Engrossed House Bill 1207**

Representative Kuzman called down Engrossed House Bill 1207 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 178: yeas 81, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Broden.

#### **Engrossed House Bill 1212**

Representative Dvorak called down Engrossed House Bill 1212 for third reading:

A BILL FOR AN ACT concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 179: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

#### **Engrossed House Bill 1230**

Representative Bardon called down Engrossed House Bill 1230 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representatives Espich, Foley, and Whetstone were excused from voting.

Roll Call 180: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lanane.

#### **Engrossed House Bill 1239**

Representative Cherry called down Engrossed House Bill 1239 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 181: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Simpson.

#### **Engrossed House Bill 1245**

Representative Van Haaften called down Engrossed House

Bill 1245 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 182: yeas 92, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Broden and Bray.

#### **Engrossed House Bill 1257**

Representative Robertson called down Engrossed House Bill 1257 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 183: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Lewis, and L. Lutz.

#### **Engrossed House Bill 1277**

Representative Bottorff called down Engrossed House Bill 1277 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 184: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

#### **Engrossed House Bill 1282**

Representative Aguilera called down Engrossed House Bill 1282 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 185: yeas 61, nays 32. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Rogers, Mrvan, and Landske.

#### **Engrossed House Bill 1287**

Representative Goodin called down Engrossed House Bill 1287 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 186: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Nugent.

#### **Engrossed House Bill 1293**

Representative Pierce called down Engrossed House Bill 1293 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 187: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and R. Young.

#### **Engrossed House Bill 1296**

Representative Klinker called down Engrossed House Bill 1296 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Pelath was excused from voting.

Roll Call 188: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Simpson, Miller, and Breaux.

#### **Engrossed House Bill 1436**

Representative Crawford called down Engrossed House Bill 1436 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage.

#### **HOUSE MOTION (Amendment 1436-6)**

Mr. Speaker: I move that Engrossed House Bill 1436 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 5. IC 33-11.6-4-15, AS AMENDED BY P.L.141-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The costs consist of **the following**:

- (1) A township docket fee equal to five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-19-5-2.
- (2) Bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.
- (3) The cost for the personal service of process by the bailiff or other process server in the amount of thirteen dollars (\$13) for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-19-1-6 to be taxed and charged in the circuit court of the county.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-19-6-18.1.
- (7) An automated record keeping fee under IC 33-19-6-19. ~~and~~
- (8) A late fee, if any, under IC 33-19-6-20.
- (9) **A judicial administration fee under IC 33-19-6-19.2.**

The docket fee and the cost for the initial service of process shall be paid upon the institution of each case. The cost of service rendered subsequent to the initial service shall be assessed and paid after such service has been made, and the cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 6. IC 33-19-5-1, AS AMENDED BY P.L.1-2002, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).
- (11) A document storage fee (IC 33-19-6-18.1).
- (12) An automated record keeping fee (IC 33-19-6-19).
- (13) A late payment fee (IC 33-19-6-20).
- (14) A sexual assault victims assistance fee (IC 33-19-6-21).

**(15) A judicial administration fee (IC 33-19-6-19.2).**

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 7. IC 33-19-5-2, AS AMENDED BY P.L.1-2002, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee (IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3).
- (2) An alcohol and drug services program user fee (IC 33-19-6-7(b)).
- (3) A law enforcement continuing education program fee (IC 33-19-6-7(c)).
- (4) An alcohol and drug countermeasures fee (IC 33-19-6-10).
- (5) A highway work zone fee (IC 33-19-6-14).

(6) A deferred prosecution fee (IC 33-19-6-16.2).

(7) A jury fee (IC 33-19-6-17).

(8) A document storage fee (IC 33-19-6-18.1).

(9) An automated record keeping fee (IC 33-19-6-19).

(10) A late payment fee (IC 33-19-6-20).

**(11) A judicial administration fee (IC 33-19-6-19.2).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

- (1) The alcohol and drug services program user fee.
- (2) The law enforcement continuing education program fee.
- (3) The deferral program fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

- (1) the defendant was charged with an ordinance violation subject to IC 33-6-3;
- (2) the defendant denied the violation under IC 33-6-3-2;
- (3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and
- (4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 8. IC 33-19-5-3, AS AMENDED BY P.L.1-2002, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or
- (2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) An alcohol and drug countermeasures fee.
- (6) A document storage fee (IC 33-19-6-18.1).
- (7) An automated record keeping fee (IC 33-19-6-19).
- (8) A late payment fee (IC 33-19-6-20).
- (9) A judicial administration fee (IC 33-19-6-19.2).**

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The marijuana eradication program fee.
- (2) The alcohol and drug services program user fee.
- (3) The law enforcement continuing education program fee.

SECTION 9. IC 33-19-5-4, AS AMENDED BY P.L.1-2002, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:

- (1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- (4) proceedings in paternity under IC 31-14;
- (5) proceedings in small claims court under IC 33-11.6; and
- (6) proceedings in actions under section 6 of this chapter;

the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100).



(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A support and maintenance fee.
- (3) A document storage fee (IC 33-19-6-18.1).
- (4) An automated record keeping fee (IC 33-19-6-19).
- (5) A judicial administration fee (IC 33-19-6-19.2).**

SECTION 10. IC 33-19-5-5, AS AMENDED BY P.L.167-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a:

- (1) small claims costs fee of thirty-five dollars (\$35); and
- (2) small claims service fee of five dollars (\$5) for each defendant named or added in the small claims action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A document storage fee (IC 33-19-6-18.1).
- (3) An automated record keeping fee (IC 33-19-6-19).
- (4) A judicial administration fee (IC 33-19-6-19.2).**

SECTION 11. IC 33-19-5-6, AS AMENDED BY P.L.1-2002, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Except as provided under subsection (c), for each action filed under:

- (1) IC 6-4.1-5 (determination of inheritance tax);
- (2) IC 29 (probate); and
- (3) IC 30 (trusts and fiduciaries);

the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120).

(b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A document storage fee (IC 33-19-6-18.1).
- (3) An automated record keeping fee (IC 33-19-6-19).
- (4) A judicial administration fee (IC 33-19-6-19.2).**

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

- (1) Petition to open a safety deposit box.
- (2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
- (3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 12. IC 33-19-6-19.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 19.2. (a) This subsection does not apply to the following:**

- (1) A criminal proceeding.**
- (2) A proceeding for an infraction violation.**
- (3) A proceeding for an ordinance violation.**

**In each action filed in a court described in IC 33-19-1-1, the clerk shall collect a judicial administration fee of in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two dollars (\$2).**

**(b) In each action in which a person is:**

- (1) convicted of an offense;**
- (2) required to pay a pretrial diversion fee;**
- (3) found to have violated an infraction; or**
- (4) found to have violated an ordinance;**

**the clerk shall collect a judicial administration fee of in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two dollars (\$2).**

SECTION 13. IC 33-19-7-1, AS AMENDED BY P.L.167-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the

amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

- (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.
- (2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established under IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.
- (2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.



The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-19-5-5(a)(2) for deposit in the county general fund.

**(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.2.**

SECTION 14. IC 33-19-7-4, AS AMENDED BY P.L.167-2003, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5(a)(1) (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5(a)(1) (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5(a)(1) (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The city or town fiscal officer (as defined in

IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

**(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.2.**

SECTION 15. IC 33-19-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state six million seven hundred four thousand two hundred fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

- (1) the family violence and victim assistance fund established under IC 12-18-5-2 an amount equal to eleven and eight-hundredths percent (11.08%);
- (2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to twenty-five and twenty-one hundredths percent (25.21%);
- (3) the law enforcement academy building fund established under IC 5-2-1-13 an amount equal to three and fifty-two hundredths percent (3.52%);
- (4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths percent (14.19%);
- (5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths percent (16.50%);
- (6) the motor vehicle highway account an amount equal to twenty-six and ninety-five hundredths percent (26.95%);
- (7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths of one percent (0.32%); and
- (8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and twenty-three hundredths percent (2.23%);

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state:

- (1) **after June 30, 2004, and before July 1, 2005, one million two seven hundred thousand dollars (~~\$1,200,000~~) (\$1,700,000)** for deposit into the public defense fund established under IC 33-9-14; **and**
- (2) **after June 30, 2005, two million two hundred thousand dollars (\$2,000,000).**

SECTION 16. [EFFECTIVE JULY 1, 2004] (a) **In addition to a small claims costs fee and small claims service fee collected under IC 33-19-5-5, as in effect on July 1, 2004, the circuit court clerk shall collect a judicial administration fee under IC 33-19-6-19.2, as added by this act, if the judicial administration fee is required to be collected under IC 33-19-6.**

**(b) This SECTION expires July 1, 2005.**

SECTION 17. [EFFECTIVE JULY 1, 2004] (a) **A circuit court clerk shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-18.**

**(b) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.2.**

**(c) This SECTION expires July 1, 2005."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1436 as printed January 30, 2004.)

CRAWFORD

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1436, begs leave to report that said bill has

been amended as directed.

CRAWFORD

Report adopted.

The question then was, Shall the bill pass?

Roll Call 189: yeas 73, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Breaux, and Simpson.

#### **Engrossed House Bill 1054**

Representative Cheney called down Engrossed House Bill 1054 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 82, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Landske, Antich-Carr, and Dembowski.

#### **Engrossed House Bill 1059**

Representative Stilwell called down Engrossed House Bill 1059 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 191: yeas 49, nays 48. The bill failed for lack of a constitutional majority.

#### **Engrossed House Bill 1061**

Representative Dickinson called down Engrossed House Bill 1061 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 192: yeas 74, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Simpson.

#### **Engrossed House Bill 1135**

Representative Avery called down Engrossed House Bill 1135 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 193: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators M. Young and Bowser.

#### **Engrossed House Bill 1150**

Representative Fry called down Engrossed House Bill 1150 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Murphy was excused from voting.

Roll Call 194: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lanane.

#### **Engrossed House Bill 1156**

Representative Hasler called down Engrossed House Bill 1156 for third reading:

A BILL FOR AN ACT concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 195: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford and Simpson.

#### **Engrossed House Bill 1352**

Representative Hasler called down Engrossed House Bill 1352 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 196: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and L. Lutz.

#### **Engrossed House Bill 1256**

Representative Robertson called down Engrossed House Bill 1256 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 197: yeas 59, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and Lewis.

#### **Engrossed House Bill 1284**

Representative Aguilera called down Engrossed House Bill 1284 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 198: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Mrvan.

#### **Engrossed House Bill 1134**

Representative Cheney called down Engrossed House Bill 1134 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was reread a third time by sections and placed upon its passage.

HOUSE MOTION  
(Amendment 1134-1)

Mr. Speaker: I move that Engrossed House Bill 1134 be

recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 2, line 39, delete "paid" and insert "**unpaid**".  
(Reference is to HB 1134 as printed January 23, 2004.)

CHENEY

There not being a two-thirds vote in favor of the motion, the motion failed.

Representative Cheney withdrew the call of Engrossed House Bill 1134.

### Engrossed House Bill 1289

Representative Goodin called down Engrossed House Bill 1289 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 199: yeas 45, nays 51. The bill was defeated.

## INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

**ESB 360** — Austin, Frizzell (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**ESB 363** — Bardon, Alderman, Dickinson (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**ESB 367** — Porter, Hoffman (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**ESB 368** — Welch, Klinker, Scholer, T. Brown (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**ESB 379** — Hasler, Koch (Technology, Research and Development)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 383** — Grubb, Mangus (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

**ESB 385** — Dvorak, Borrer (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 391** — Liggett, Buell (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**ESB 398** — Mahern, Richardson (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**ESB 406** — Fry, Ripley (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

**ESB 407** — Fry (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**ESB 409** — Kuzman, Crawford, Foley (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**ESB 420** — Hasler, Richardson (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 422** — Mahern, Richardson (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**ESB 434** — Grubb, Saunders, Hoffman (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**ESB 442** — L. Lawson, Fry, Koch, Torr (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**ESB 446** — Murphy, Lytle, Bottorff (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make appropriation.

**ESB 453** — Fry, Ripley (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**ESB 467** — Ayres, Hasler (Technology, Research and Development)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 469** — Bardon, Ripley (Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

**ESB 475** — Kuzman, Ulmer (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

**ESB 481** — Fry, Foley (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**ESB 484** — Austin (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**ESB 490** — Stilwell, Yount, Crooks, Messer (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

**ESB 493** — Grubb, Foley, Koch, Burton (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

## INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

**ESJR 5** — Murphy, Grubb (Rules and Legislative Procedures)

A JOINT RESOLUTION proposing an amendment to Article 5 of the Constitution of the State of Indiana concerning the executive power of state government.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Thirteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY STRIKING OUT ARTICLE 5, SECTION 10.

SECTION 3. ARTICLE 5 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: Section 10.1. (a) If the Governor-elect fails to assume office, the Lieutenant Governor-elect becomes Governor and holds office for the term of the Governor-elect.

(b) If the Governor dies, resigns, or is removed from office, the Lieutenant Governor becomes Governor by operation of law and holds office for the unexpired term of the immediately previous Governor. The oath of office taken by the Lieutenant Governor as Lieutenant Governor serves as the oath of office for the office of Governor.

(c) The General Assembly shall provide by law for the Lieutenant Governor to discharge the Governor's powers and duties as Acting Governor if:

- (1) the Governor; or
- (2) the president pro tempore of the senate and the speaker of the house of representatives;

determine that the Governor is unable to discharge the Governor's powers and duties.

(d) If the Lieutenant Governor dies, resigns, or is removed from office, the Governor shall nominate an individual to become Lieutenant Governor. The individual nominated by the Governor takes office upon confirmation by a majority vote in each house of the General Assembly and holds office for the unexpired term of the immediately previous Lieutenant Governor. If the General Assembly is not in session, the Governor shall call it into special session to receive and act upon the Governor's nomination.

(e) The General Assembly shall provide by law for an individual nominated by the Governor to discharge the Lieutenant Governor's powers and duties as Acting Lieutenant Governor if the Lieutenant Governor or the Governor determines that the Lieutenant Governor is unable to discharge the Lieutenant Governor's powers and duties.

(f) If both the offices of Governor and Lieutenant Governor are vacant, the General Assembly shall convene in joint session not later than forty-eight hours after the later vacancy occurs and elect a Governor from the same political party as the immediately previous Governor by a majority vote of each house. The General Assembly may provide by law for designated state officers (including officers of the General Assembly) to discharge the Governor's powers and duties as Acting Governor until the General Assembly elects a Governor under this subsection.

(g) If any of the following applies, the General Assembly shall convene in joint session not later than forty-eight hours after the later of the events described in subdivision (1), (2), or (3) occurs and select an Acting Governor from the same political party as the Governor by a majority vote of each house:

- (1) Both the Governor and Lieutenant Governor are unable to discharge the powers and duties of their respective offices.
- (2) The office of Governor is vacant and the Lieutenant Governor is unable to discharge the powers and duties of the Lieutenant Governor.
- (3) The Governor is unable to discharge the powers and duties of the Governor and the office of Lieutenant Governor is vacant.

The General Assembly may provide by law for designated state officers (including officers of the General Assembly) to discharge the Governor's powers and duties as Acting Governor until the General Assembly selects an Acting Governor under this subsection.

(h) An individual who serves as Acting Governor may exercise all the Governor's powers and duties. An individual who serves as Acting Governor surrenders the Governor's powers and duties

when the earliest of the following occurs:

- (1) The Governor's term of office expires.
- (2) The Governor resumes the Governor's powers and duties.
- (3) Another individual becomes Acting Governor.
- (4) The individual is unable to discharge the Governor's powers and duties.

(i) An individual who serves as Acting Lieutenant Governor has all the Lieutenant Governor's powers and duties. An individual who serves as Acting Lieutenant Governor surrenders those powers and duties when the earliest of the following occurs:

- (1) The Lieutenant Governor's term of office expires.
- (2) The Lieutenant Governor resumes the Lieutenant Governor's powers and duties.
- (3) Another individual becomes Acting Lieutenant Governor.
- (4) The individual is unable to discharge the Lieutenant Governor's powers and duties.

(j) An individual who serves as Acting Governor by virtue of another office the individual holds does not forfeit the other office upon becoming Acting Governor. The individual may not discharge the powers and duties of the other office while serving as Acting Governor.

(k) If a question arises:

- (1) under subsection (c) or (g) whether the Governor is able to discharge the Governor's powers and duties; or
- (2) under subsection (g) whether the Lieutenant Governor is able to discharge the Lieutenant Governor's powers and duties;

the president pro tempore of the senate and the speaker of the house of representative may jointly file a petition with the Supreme Court. The Supreme Court shall meet not later than forty-eight hours after the petition is filed and decide the question.

(l) If the Supreme Court determines that the Governor is unable to discharge the Governor's powers and duties under subsection (k), the Governor may subsequently file a petition with the Supreme Court for a determination that the Governor is able to discharge the Governor's powers and duties. If a petition is filed under this subsection, the Supreme Court shall meet to decide the question. A decision of the Supreme Court of a question under this subsection is final.

(m) If the Supreme Court determines that the Lieutenant Governor is unable to discharge the Lieutenant Governor's powers and duties under subsection (k), the Lieutenant Governor may subsequently file a petition with the Supreme Court for a determination that the Lieutenant Governor is able to discharge the Lieutenant Governor's powers and duties. If a petition is filed under this subsection, the Supreme Court shall meet to decide the question. A decision of the Supreme Court of a question under this subsection is final.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 9

The Speaker handed down Senate Concurrent Resolution 9, sponsored by Representative Buck:

A CONCURRENT RESOLUTION memorializing John Addison "Doc" McClain.

*Whereas, Dr. John Addison McClain was born January 15, 1923, in Clinton County to the Reverend Floyd Addison and Bertha Amelia Ziebarth McClain;*

*Whereas, Dr. McClain graduated from Kirklin High School, attended Dartmouth, Tufts, and Butler universities, and graduated from Purdue University's School of Agriculture in 1949 with a bachelor of arts degree;*

*Whereas, Dr. McClain earned a doctorate from the Veterinary School at Ohio State University in 1953 and returned to Clinton County to begin his veterinary practice;*

*Whereas, Dr. McClain served in the United States Navy and was stationed in the Philippines during World War II;*

*Whereas, In addition to his duties as a veterinarian, Dr. McClain farmed corn and beans and bred horses;*

*Whereas, Although Dr. McClain raised many horses, one particular horse, Hot Dog Dick, a two year old pacer, obliterated the state record and set numerous track records throughout the state;*

*Whereas, Dr. McClain was a man of many interests;*

*Whereas, Dr. McClain was a Clinton County commissioner from 1996-2003, a member of the Frankfort Jaycees, Frankfort Moose Lodge, American Legion, VFW, Clinton County Chamber of Commerce, Clinton County Health Board, Standardbred Board of Regulation, and race secretary and a member of the Clinton County Fair Board for more than 25 years;*

*Whereas, Dr. McClain was a Frankfort School board member and board president from 1958-1966 and coached Little League for nine years;*

*Whereas, Dr. McClain was a member of the Indiana Veterinary Association and the John Purdue Club and was director of Hoosier Serum Co.;*

*Whereas, Dr. McClain's accomplishments were recognized when he was presented with a Sagamore of the Wabash and the key to the city of Frankfort;*

*Whereas, Dr. McClain's hard work and dedication to horse racing were rewarded when his race track was named the Most Improved Harness Track in Indiana and his horses received the Pacer of the Year Award in 1987 and the Trotter of the Year Award in 1988; and*

*Whereas, John Addison "Doc" McClain has touched the lives of many people in Clinton County, and his death has left a void that will be impossible to fill: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly expresses its heartfelt sympathy to the family of John Addison "Doc" McClain and assures them that Dr. McClain will be remembered throughout Clinton County as an individual of integrity and honor who was loved by everyone who knew him.

SECTION 2. That the Secretary of the Senate shall transmit copies of this resolution to the family of John Addison "Doc" McClain.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 15**

The Speaker handed down Senate Concurrent Resolution 15, sponsored by Representatives McClain and Thompson:

A CONCURRENT RESOLUTION to congratulate the Lewis Cass High School Marching Kings Band and Royal Guard on their accomplishment of being named the 2003 Class C State Champions of the ISSMA's State Marching Band Finals.

*Whereas, Displaying a consistent dedication to excellence, the Lewis Cass High School Marching Kings have qualified to compete in the ISSMA's State Marching Band Finals for 23 consecutive years;*

*Whereas, Although the Marching Kings qualify to compete as the largest school in the Class D category, for several years they have opted to move up and compete against larger schools in the Class C category;*

*Whereas, Throughout the 2003 season, the directors and staff of the Lewis Cass Marching Kings and Royal Guard have taken 120 students and molded them together to form a cohesive marching unit that has continued the school's tradition in marching excellence;*

*Whereas, In October of 2003, the Marching Kings captured their third state marching band title at the RCA Dome in Indianapolis, Indiana;*

*Whereas, The success of the Marching Kings can be attributed to the hard work and dedication of the students, directors and staff, as well as the support of the parents and school administration: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Lewis Cass Marching Kings and Royal Guard on winning the 2003 Class C State Marching Band Title.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Lewis Cass High School Superintendent Dr. John Bevan; Principal William D. Isaacs, Band Director Mike Clark, and the Assistant Directors, Don Krug and Larry Clark.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **OTHER BUSINESS ON THE SPEAKER'S TABLE**

#### **Reassignments**

The Speaker announced the reassignment of Engrossed Senate Bill 426 from the Committee on Public Health to the Committee on Ways and Means.

#### **HOUSE MOTION**

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 9, 2004 at 1:30 p.m.

ORENTLICHER

Motion prevailed.

#### **PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1096, Roll Call 126, on February 5, 2004. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

AUSTIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the final vote tally for Roll Call 126 to 45 yeas, 42 nays.*]

#### **PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1098, Roll Call 169, on February 5, 2004. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

CRAWFORD

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the final vote tally for Roll Call 169 to 75 yeas, 19 nays.*]

#### **PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1212, Roll Call 179, on February 5, 2004. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

NEESE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the final vote tally for Roll Call 179 to 93 yeas, 0 nays.*]

## PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1282, Roll Call 185, on February 5, 2004. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

RUPPEL

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the final vote tally for Roll Call 185 to 62 yeas, 31 nays.*]

## PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1401, Roll Call 113, on February 5, 2004. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

BECKER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the final vote tally for Roll Call 113 to 61 yeas, 34 nays.*]

## PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1436, Roll Call 189, on February 5, 2004. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

VAN HAAFTEN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the final vote tally for Roll Call 189 to 73 yeas, 22 nays.*]

## HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker, Ruppel, and Duncan be added as coauthors of House Bill 1028.

DICKINSON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1046.

HERRELL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1050.

HINKLE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1098.

WELCH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1189.

STEVENSON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1245.

VAN HAAFTEN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative LaPlante be added as coauthor of House Bill 1265.

KERSEY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Scholer be added as coauthor of House Bill 1306.

HERRELL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Scholer, Austin, and V. Smith be added as coauthors of House Bill 1308.

PORTER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Espich be added as coauthor of House Bill 1365.

COCHRAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Espich be added as coauthor of House Bill 1446.

BAUER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Welch be removed as sponsor of Engrossed Senate Bill 272, Representative Crooks be substituted as sponsor, and Representative Welch be added as cosponsor.

WELCH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Dobis, the House adjourned at 9:30 p.m., this fifth day of February, 2004, until Monday, February 9, 2004, at 1:30 p.m.

B. PATRICK BAUER  
Speaker of the House of Representatives

DIANE MASARIU CARTER  
Principal Clerk of the House of Representatives